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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

AYMAN LATIF, <i>et al.</i> , Plaintiffs, v. ERIC H. HOLDER, JR., <i>et al.</i> , Defendants.	Case 3:10-cv-00750-BR PARTIES' JOINT STATUS REPORT
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COME NOW, the parties, Plaintiffs Ayman Latif, Raymond Earl Knaeble IV, Faisal Nabin Kashem, Elias Mustafa Mohamed, Steven William Washburn, Samir Mohamed Ahmed Mohamed, Abdullatif Muthanna, Nagib Ali Ghaleb, Mohamed Sheikh Abdirahman Kariye, Ibraheim Y. Mashal, Salah Ali Ahmed, Amir Meshal, Stephen Durga Persaud, Saleh Omar, Abdul Hakeim Thabet Ahmed, Adama Bah, and Halime Sat, and Defendants Eric H. Holder Jr., Attorney General of the United States; Robert Mueller, Director of the Federal Bureau of Investigation; and Timothy Healy, Director of the Terrorist Screening Center, and hereby submit this joint status report pursuant to the Court's order of August 25, 2010.

On August 25, 2010, the Court held a telephonic hearing in this matter. During the hearing, the Court instructed the parties to file a joint status report on September 23, 2010, that would address the filing of dispositive motions, as well as the current status of Plaintiffs included in the Motion for Preliminary

Injunction (hereinafter “PI Plaintiffs”), filed on August 16, 2010 (Docket Entry # 20). The parties jointly report as follows:

1. Since the August 25, 2010 conference with the Court, Defendants and Plaintiffs have coordinated the return of several PI Plaintiffs. As a result of the parties’ discussions and coordination, all of the PI Plaintiffs who wish to return to the United States have either returned, or have made specific plans to return.
2. The updated circumstances for the Plaintiffs included in the preliminary injunction motion are reflected below:

Saleh A. Omar – Mr. Omar returned to the United States on August 16, 2010 (shortly before the preliminary injunction motion was filed).

Samir Mohamed Ahmed Mohamed – Mr. Samir Mohamed returned to the United States on September 21, 2010.

Abdullatif Muthanna and Abdul Hakeim Thabet Ahmed – Messrs. Muthanna and Ahmed are expected to return to the United States on September 28, 2010.

Faisal Nabin Kashem and Elias Mustafa Mohamed – Plaintiffs’ counsel have advised Defendants’ counsel that Messrs. Kashem and Mohamed have decided to not return to the United States at this time due to the resumption of classes at their educational institution after summer recess. Although the Defendants have indicated that the students “should feel free to make air-travel related arrangements to enter the United States,” they have not provided assurances about

any future travel, including return travel to Saudi Arabia in order to resume their studies. They are therefore withdrawing from the Motion for Preliminary Injunction, but will remain part of the underlying litigation.

Ayman Latif – Mr. Latif booked a ticket for travel to the United States on October 6, 2010.

3. As a result of these developments, Defendants recently sought a three-week extension of their September 23, 2010 deadline for filing an opposition to Plaintiffs' Motion for a Preliminary Injunction. Plaintiffs did not oppose the requested extension. The Court granted the extension today (Docket Entry # 26). Defendants' Opposition is now due October 14, 2010; Plaintiffs' Reply is now due October 28, 2010. The parties expect that Plaintiffs will withdraw the preliminary injunction motion after they have confirmed that all of the PI Plaintiffs who wish to return home have done so.
4. In the Parties' Joint Motion for a Scheduling Order (Docket Entry # 17), filed August 12, 2010, Plaintiffs' counsel advised the Court that they did not contemplate filing another amended complaint. Since the filing of that joint motion and the Motion for a Preliminary Injunction, Plaintiffs' counsel have received several reports from U.S. citizens unable to return to the United States due to their apparent placement on the No Fly List. Plaintiffs may seek leave to amend to add additional plaintiffs to include such individuals if these situations are

not resolved in a manner similar to that of the PI Plaintiffs and, if leave is granted, Plaintiffs may pursue preliminary injunctive relief on behalf of any such similarly situated Plaintiffs. Plaintiffs' counsel anticipate being able to make such a motion for leave to amend by October 15, 2010 (as originally agreed in the Joint Motion for a Scheduling Order), but reserve the right to seek leave after that date for good cause. At this time, Defendants take no position on the filing of future motions, but note that such filings may require leave of Court.

5. At the Court's suggestion, the parties are also exchanging drafts of stipulated facts in advance of the filing of dispositive motions. The parties expect that they will be able to stipulate to some of the material facts related to the Traveler Redress Inquiry Program (TRIP), which is the process established by the government for resolving complaints related to denial of boarding. See http://www.dhs.gov/files/programs/gc_1169676919316.shtm (last visited on September 21, 2010).
6. The parties are also discussing dates for the filing of dispositive motions. Pursuant to those discussions, the parties jointly propose the following schedule: Defendants' dispositive motion (and response to the Complaint) would be due October 20, 2010; Plaintiffs' opposition or cross-motion would be due on November 17, 2010, 2010; Defendants' opposition/reply would be due by December 3,

2010 and any reply in support of Plaintiffs' cross-motion (if one is filed) would be due by December 17, 2010.

7. The parties request that the Court set an oral argument date at its convenience after the dispositive motions are fully briefed.

Dated: September 23, 2010

Respectfully Submitted,

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